

payments based on disability could be terminated, that you have the right to submit medical and other evidence for our consideration during the redetermination, and that when we make our determination, we will notify you of our determination, your right to appeal the determination, and your right to request continuation of benefits during appeal.

(4) We will notify you in writing of the results of the disability redetermination. The notice will tell you what our determination is, the reasons for our determination and your right to request reconsideration of the determination. If our determination shows that we should stop your SSI payments based on disability, the notice will also tell you of your right to request that your benefits continue during any appeal. The results of an initial disability redetermination are binding unless you request a reconsideration within the stated time period, or we revise the initial determination.

(b)(1) We will redetermine the eligibility of individuals

(i) Who became eligible for SSI benefits by reason of disability prior to attaining age 18, and

(ii) Who also were eligible for such benefits for the month before the month in which they attained age 18.

(2) When we make this determination, we will apply the rules in §§ 416.920(c)–(f); we will not apply the rules in § 416.920(b) or § 416.994.

(3) If you are an individual affected by the provisions of this section, and you are disabled under § 416.920 (d) or (f), and you are working, we will apply the rules in §§ 416.260 ff.

(4) We will initiate this disability redetermination during the 1-year period beginning on your 18th birthday.

(5) If we find that you are not disabled under the rules in § 416.920 (except § 416.920(b)), your eligibility will end. The month in which we will find you not disabled is explained in paragraph (b)(6) of this section; the month your benefits will stop is explained in paragraph (b)(7) of this section.

(6) If the evidence shows that you are not disabled, we will find that your disability ended in the earliest of:

(i) The month the evidence shows that you are not disabled under the

rules set out in this section, but not earlier than the month in which we mail you a notice saying that you are not disabled.

(ii) The first month in which you failed without good cause to follow prescribed treatment under the rules in § 416.930.

(iii) The first month in which you failed without good cause to do what we asked. Section 416.1411 explains the factors we will consider and how we will determine generally whether you have good cause for failure to cooperate. In addition, § 416.918 discusses how we determine whether you have good cause for failing to attend a consultative examination.

[62 FR 6429, Feb. 11, 1997]

#### CONTINUING OR STOPPING DISABILITY OR BLINDNESS

#### **§ 416.988 Your responsibility to tell us of events that may change your disability or blindness status.**

If you are entitled to payments because you are disabled or blind, you should promptly tell us if—

- (a) Your condition improves;
- (b) Your return to work;
- (c) You increase the amount of your work; or
- (d) Your earnings increase.

#### **§ 416.989 We may conduct a review to find out whether you continue to be disabled.**

After we find that you are disabled, we must evaluate your impairment(s) from time to time to determine if you are still eligible for payments based on disability. We call this evaluation a continuing disability review. We may begin a continuing disability review for any number of reasons including your failure to follow the provisions of the Social Security Act or these regulations. When we begin such a review, we will notify you that we are reviewing your eligibility for payments, why we are reviewing your eligibility, that in medical reviews the medical improvement review standard will apply, that our review could result in the termination of your payments, and that you have the right to submit medical and other evidence for our consideration

during the continuing disability review. In doing a medical review, we will develop a complete medical history of at least the preceding 12 months in any case in which a determination is made that you are no longer under a disability. If this review shows that we should stop your payments, we will notify you in writing and give you an opportunity to appeal. In § 416.990 we describe those events that may prompt us to review whether you continue to be disabled.

[51 FR 16826, May 7, 1986]

**§ 416.989a We may conduct a review to find out whether you continue to be blind.**

After we find that you are blind, we must evaluate your impairment(s) from time to time to determine if you are still eligible for payments based on blindness. We call this evaluation a continuing disability review. We may begin a continuing disability review for any number of reasons including your failure to follow the provisions of the Social Security Act or these regulations. When we begin such a review, we will notify you that we are reviewing your eligibility for payments, why we are reviewing your eligibility, that our review could result in the termination of your payments, and that you have the right to submit medical and other evidence for our consideration during the continuing disability review. In doing a medical review, we will develop a complete medical history of at least the preceding 12 months in any case in which a determination is made that you are no longer blind. If this review shows that we should stop your payments, we will notify you in writing and give you an opportunity to appeal. In § 416.990 we describe those events that may prompt us to review whether you continue to be blind.

[51 FR 16826, May 7, 1986]

**§ 416.990 When and how often we will conduct a continuing disability review.**

(a) *General.* We conduct continuing disability reviews to determine whether or not you continue to meet the disability or blindness requirements of the law. Payment ends if the medical or other evidence shows that you are

not disabled or blind as determined under the standards set out in section 1614(a) of the Social Security Act if you receive benefits based on disability or § 416.986 of this subpart if you receive benefits based on blindness.

(b) *When we will conduct a continuing disability review.* A continuing disability review will be started if—

(1) You have been scheduled for a medical improvement expected diary review;

(2) You have been scheduled for a periodic review (medical improvement possible or medical improvement not expected) in accordance with the provisions of paragraph (d) of this section;

(3) We need a current medical or other report to see if your disability continues. (This could happen when, for example, an advance in medical technology, such as improved treatment for Alzheimer's disease, or a change in vocational therapy or technology raises a disability issue);

(4) You return to work and successfully complete a period of trial work;

(5) Substantial earnings are reported to your wage record;

(6) You tell us that you have recovered from your disability or that you have returned to work;

(7) Your State Vocational Rehabilitation Agency tells us that—

(i) The services have been completed; or

(ii) You are now working; or

(iii) You are able to work;

(8) Someone in a position to know of your physical or mental condition tells us that you are not disabled or blind, that you are not following prescribed treatment, that you have returned to work, or that you are failing to follow the provisions of the Social Security Act or these regulations, and it appears that the report could be substantially correct;

(9) Evidence we receive raises a question whether your disability or blindness continues;

(10) You have been scheduled for a vocational reexamination diary review; or

(11) By your first birthday, if you are a child whose low birth weight was a contributing factor material to our determination that you were disabled; i.e., whether we would have found you